

OA 91 Criminal Complaint

United States District Court

NORTHERN

DISTRICT OF

FILED

JUN 16 2008

UNITED STATES OF AMERICA
V.

MONLETO LAMONT HOLLY

ORIGINAL

CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COMPLAINT

Case Number:

4-08-70360

(Name and Address of Defendant)

DB

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about April 23, 2008 in Contra Costa County, in the Northern District of California defendant(s) did,

(Type Statutory Language of Offense)

knowingly and intentionally possess with intent to distribute a Schedule II controlled substance, namely, approximately 11.5 grams of a mixture and substance containing a detectable amount of cocaine base in the form of "crack" cocaine,

in violation of Title 21 United States Code, Section(s) 841(a)(1) and 841(b)(1)(B)(iii)

I further state that I am a(n) Special Agent for the Federal Bureau of Investigation and that this complaint is based on the following facts:
See attached affidavit.

NO BAIL ARREST WARRANT REQUESTED.

Continued on the attached sheet and made a part hereof:

 Yes No

Approved

As To James C. Mann
Form: AUSANitiana Doss, Special Agent
Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

June 16, 2008

Date

Honorable Bernard Zimmerman

U.S. Magistrate Judge

Name & Title of Judicial Officer

at San Francisco, California

City and State

Signature of Judicial Officer

Document No. *H*

1 **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

2 I, Nitiana Doss, Special Agent of the Federal Bureau of Investigation, being duly sworn,
3 hereby declare as follows:

4 **I. INTRODUCTION**

5 1. I am a Special Agent of the Federal Bureau of Investigation (“FBI”) and have
6 been so employed since August 2005. Currently, I am assigned to the Violent Crimes and Major
7 Offender Squad at the Oakland Resident Agency, San Francisco Field Office, where my
8 responsibilities involve the investigation of gangs and narcotics. During my tenure in the FBI, I
9 have been involved in numerous investigations of gang-related narcotics traffickers. Several of
10 the investigations have involved gangs and narcotics traffickers in the area of Richmond,
11 California. I have participated in physical and electronic surveillance, undercover narcotics
12 transactions, executed search warrants, and reviewed recorded conversations of drug traffickers.
13 As a federal agent, I am authorized to investigate violations of the laws of the United States and
14 am a law enforcement officer with authority to execute warrants issued under the authority of the
15 United States.

16 **II. PURPOSE OF THIS AFFIDAVIT**

17 2. This affidavit is being submitted in support of a criminal complaint and arrest
18 warrant charging MONLETO LAMONT HOLLY with possession with intent to distribute
19 cocaine base in the form of “crack” cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and
20 841(b)(1)(B)(iii).

21 3. Because this affidavit is being submitted for the limited purpose of securing a
22 criminal complaint and arrest warrant, I have not included each and every fact known to me
23 concerning this investigation. I have set forth only those facts that I believe are necessary to
24 establish probable cause to believe that, on or about April 23, 2008, MONLETO LAMONT
25 HOLLY knowingly and intentionally possessed with intent to distribute a Schedule II controlled
26 substance, namely, approximately 11.5 grams of a mixture and substance containing a detectable
27 amount of cocaine base in the form of “crack” cocaine, in violation of 21 U.S.C. § 841(a)(1) and
28 841(b)(1)(B)(iii). The statements contained in this affidavit are based on information provided to

1 me by law enforcement officers as well as my training, experience, and knowledge of this
2 investigation.

3 **III. PROBABLE CAUSE**

4 **A. Criminal History Of MONLETO LAMONT HOLLY.**

5 4. I have reviewed a criminal history report for HOLLY, which indicates: (1) on
6 September 14, 2007, HOLLY was convicted of a felony violation of California Health & Safety
7 Code § 11351.5 (possession of cocaine base for sale); and (2) on August 4, 2006, HOLLY was
8 convicted of a misdemeanor violation of California Penal Code § 12280(b) (possession of an
9 assault weapon). The criminal history report reflects that HOLLY was arrested for violations of
10 California Health & Safety Code § 11351.5 (possession of cocaine base for sale) on October 29,
11 2006, February 28, 2007, and May 26, 2007. HOLLY was also arrested on October 25, 2006 for
12 a violation of California Health & Safety Code § 11532(a) (loitering in a public place in
13 connection with illegal drug activity); on January 15, 2007 for a violation of California Health &
14 Safety Code § 11378 (possession of a controlled substance for sale); and on October 20, 2007 for
15 a violation of California Health & Safety Code § 11359 (possession of marijuana for sale).

16 Additionally, HOLLY was arrested on December 20, 2007 for violations of California Penal
17 Code §§ 245(a)(1) (assault with a deadly weapon, not a firearm), 422 (threaten with intent to
18 terrorize), 417(a)(1) (exhibition of a deadly weapon, not a firearm), and 243(a) (battery on a
19 person). Furthermore, HOLLY was arrested most recently on June 5, 2008 for a violation of
20 California Health & Safety Code § 11351.5 (possession of cocaine base for sale), a violation of
21 California Health & Safety Code § 11352 (distribution of a controlled substance), and a violation
22 of Penal Code § 186.22(a) (participation in a street gang).

23 **B. Arrest Of MONLETO LAMONT HOLLY On April 23, 2008.**

24 5. From my review of police reports prepared by the Contra Costa County Sheriff's
25 Department, I understand the following:

26 a. On April 18, 2008, HOLLY was on felony probation with a search clause.
27 On the same date, a deputy from the Contra Costa County Sheriff's Department approached
28 HOLLY in front of 1729 5th Street in Richmond, California, an area known for drug sales and

1 gang violence, and an area in which the deputy had routinely observed HOLLY loitering. The
2 deputy intended to conduct a search of HOLLY's person pursuant to the terms of HOLLY's
3 probation. As the deputy approached, he directed HOLLY to stay where he was, further stating:
4 "You're on probation, if you run from me, you're gonna be violated." HOLLY then ran and
5 hopped over a fence. The deputy was unable to apprehend HOLLY.

6 b. On April 23, 2008, a second deputy from the Contra Costa County
7 Sheriff's Department attempted to arrest HOLLY for violating his probation by running away
8 from the deputy on April 18, 2008. The second deputy saw HOLLY walking on the 1700 block
9 of Giaramita Avenue in Richmond, California and motioned for HOLLY to come to the deputy's
10 patrol car. HOLLY refused, and when the deputy got out of his car, HOLLY fled and jumped
11 over a fence into a backyard. The deputy pursued and arrested HOLLY as HOLLY attempted to
12 jump over another fence. The deputy searched HOLLY and located a plastic baggie containing
13 suspected crack cocaine, which weighed approximately 12.4 grams with packaging, in HOLLY's
14 left, front pant's pocket. The deputy also located, in HOLLY's right pant's pocket, a small
15 plastic baggie containing suspected marijuana and \$191.00 in various currency denominations,
16 including one \$1.00 bill, four \$5.00 bills, one \$10.00 bill, three \$20.00 bills, and one \$100.00
17 bill.

18 c. Based upon the amount of suspected crack cocaine, and the amount and
19 denominations of the monies HOLLY possessed, the deputy determined, based upon his training
20 and experience, that HOLLY had the intent to sell the suspected crack cocaine. Based upon the
21 same factors considered by the deputy and my own training and experience, I believe that
22 HOLLY had the intent to sell the suspected crack cocaine recovered from his person. In my
23 experience, the amount of suspected crack cocaine recovered from HOLLY is far greater than the
24 amount typically possessed by a user of crack cocaine. I have been informed by crack users and
25 other law enforcement officers that a typical dose of crack cocaine is approximately .2 grams.

26 C. **DEA Lab Test Results.**

27 6. On or about June 6, 2008, I reviewed Drug Enforcement Administration
28 Laboratory Results for the suspected crack cocaine recovered from HOLLY on April 23, 2008.

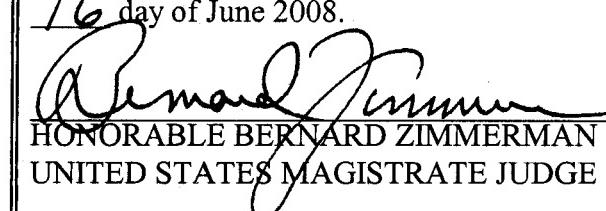
1 This report indicates that the suspected crack cocaine tested positive for cocaine base and had a
2 net weight of 11.5 grams.

3 **IV. CONCLUSION**

4 7. For the reasons stated above, I believe there is probable cause to believe that, on
5 or about April 23, 2008, MONLETO LAMONT HOLLY knowingly and intentionally possessed
6 with intent to distribute a Schedule II controlled substance, namely, approximately 11.5 grams of
7 a mixture and substance containing a detectable amount of cocaine base in the form of "crack"
8 cocaine, in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(B)(iii). I respectfully request that
9 the Court issue the requested criminal complaint and arrest warrant.

10
11
12 
13 Nitiana Doss
14 Special Agent, Federal Bureau of Investigation

14 Sworn to before me this
15 16 day of June 2008.

16 
17 HONORABLE BERNARD ZIMMERMAN
18 UNITED STATES MAGISTRATE JUDGE

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

VIOLATIONS: 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(iii).

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

See Attached.

PROCEEDING

Name of Complainant Agency, or Person (&Title, if any)
 Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprocution of charges previously dismissed
 which were dismissed on motion of:

U.S. Att'y Defense
 this prosecution relates to a pending case involving this same defendant
 prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM JOSEPH P. RUSSONIELLO
 U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned) James C. Mann, AUSA

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

SUMMONS NO PROCESS*

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

WARRANT Bail Amount: No bail.

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

MONLETO LAMONT HOLLY

DISTRICT COURT NUMBER**DEFENDANT****IS NOT IN CUSTODY**

- Has not been arrested, pending outcome this proceeding.
- 1) If not detained give date any prior summons was served on above charges
 - 2) Is a Fugitive
 - 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction
- 6) Awaiting trial on other charges } } Fed'l State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes } If "Yes" give date filed
 No }

DATE OF ARREST } Month/Day/Year

Or... if Arresting Agency & Warrant were not Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ATTACHMENT TO PENALTY SHEET FOR MONLETO LAMONT HOLLY

Count 1: 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(iii) - Possession With Intent To Distribute A Schedule II Controlled Substance (Cocaine Base).

If 851 Information alleging prior felony narcotics conviction filed:

- | | | |
|-----|---------------------|--|
| (1) | Imprisonment: | Maximum Life Imprisonment
Mandatory Minimum 10 Years Imprisonment |
| (2) | Fine: | Maximum \$4,000,000 |
| (3) | Supervised Release: | Maximum Lifetime
Mandatory Minimum 8-Year Term |
| (4) | Special Assessment: | \$100.00 |

If 851 Information alleging prior felony narcotics conviction not filed:

- | | | |
|-----|---------------------|---|
| (1) | Imprisonment: | Maximum 40 Years Imprisonment
Mandatory Minimum 5 Years Imprisonment |
| (2) | Fine: | Maximum \$2,000,000 |
| (3) | Supervised Release: | Maximum Lifetime
Mandatory Minimum 4-Year Term. |
| (4) | Special Assessment: | \$100.00 |